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TA CALIFORNIA.

NCISCO, THURSDAY, NOV. 1, 1849

roceedings of the Convention.

MONDAY, Sept 24, 1849.

convention met pursuant to adjourn-

ayer by the Rev. S. H. Walley.

ournal of Saturday read and approved.

r. Norton, from the Committee on Con- made a report, which was read and red to the Committee of the Whole.

motion of Mr. Wozencraft, the house resolved itself into Committee of the le, Mr Lippitt in the chair, on the re- of the Committee on the Boundary.

r. Shannon suggested, on leave of the se, several alterations and a proviso, to proposition of Saturday last relative to Boundary.

r. Gwin, on leave of the house, also ended his proposition of Saturday last.

n motion, the committee then rose, re- ted progress, and had leave to sit again

r. Wozencraft then moved that Mr. Ver- e, a member of the Convention elect from District of San Joaquin be admitted to eat; which motion having passed, Mr. mule was sworn and took his seat on the or.

n motion the house then again resolved f into Committee of the Whole, Mr. pitt in the Chair, on the report of the mittee on the Boundary.

r Halleck, on leave of the house amend- his proviso.

r. Shannon, on leave of the house, with- w his proviso.

fter a very long and animated debate, the mittee rose, reported progress, and had re to sit again.

n motion, the house then adjourned to f past 7, P. M.

ALF PAST SEVEN O'CLOCK, P. M.—The vention met pursuant to adjournment.

n motion of Mr. Norton, the house went Committee of the whole, Mr. Lippitt in chair, on the report of the Committee on Boundary.

fter a long and animated debate, the tion was taken, and the substitute pro- ed by Messrs. Halleck and Gwin was pted

r. Shannon then moved his substitute, ch the chair ruled out of order.

r. McDougal appealed from the decision he chair.

fter a long discussion on points of order, question was taken, and the house sus- ed the decision of the chair.

he question then recurring, after debate, he proposition of the Committee, it was ted by the adoption of the following sition of Messrs. Halleck and Gwin,

he Boundaries of California shall be as ws beginning at the point on the Pacific an south of San Diego, to be established the Commissioners of the United States Mexico, appointed under the Treaty of May, 1848, for running the Boundary e between the Territories of the United tes and those of Mexico, and thence run- g in an easterly direction on the line fixed said Commissioners as the Boundary, to Territory of New Mexico; thence north- y on the Boundary Line between New xico, the Territory of the United States, California, as laid down on the "Map Oregon and *Upper California*, from the veys of John Charles Fremont and other horities, drawn by Charles Preuss, under order of the Senate of the United States, ashington City, 1848," to the 42d degree th latitude; thence due west on the Boun- y Line between Oregon and California the Pacific Ocean; thence southerly along Coast of the Pacific Ocean, including Islands and Bays belonging to California, he place of beginning.

ut the Legislature shall have power by votes of a majority of both houses, to ac- de to such propositions as may be made by Congress of the United States upon the mission of California into the National nfederacy and Union, (if they shall be med just and reasonable,) to limit the tern Boundary of the State to the Sierra vada, and a line drawn from some point that range to some point on the Colorado Gila River, or to limit such eastern Boun- ry to a line running from some point on e 42d degree of north latitude between the eat Salt Lake and the Sierra Nevada, to ne point on the Colorado or Gila River aforesaid, and to organize by Congress a rritorial Government for that portion of lifornia east of this boundary, or to admit into the Union as a distinct and separate ate; and the Legislature shall make decla- tion of such assent by law.

On motion, the committee then rose, and ported its action to the house, which report s received and laid upon the table.

On motion the house then adjourned.

Alta California.

FOR THE STEAMER CALIFORNIA.

TUESDAY, Sept 25, 1849.

The Convention met pursuant to adjournment.

Prayer by Padre Ramirez.

The journal of yesterday was read, and adopted

Mr Hastings offered the following, which, on motion of Mr Jones, after debate, was laid on the table, viz

Resolved, That this house will adjourn *sine die* on or before 12 o'clock, M, on Monday, 1st of October next.

On motion of Mr. Dimmick, Pedro Sansevain, a member elect from the District of San Jose, came forward, was qualified and took his seat.

Mr. Wozencraft offered the following, which was adopted, viz

Resolved, That the Committee on Finance, are hereby instructed to report on the compensation of members of this Convention

The report from the Committee on Ways and Means of defraying the expenses of the State Government, was read and referred to the Committee of the Whole

On motion of Mr Gwin, the house resolved itself into Committee of the Whole, Mr Lippitt in the Chair, on the report of the Committee on the Constitution

Article VIII of the report of the Committee being under consideration, the first section was adopted without debate, as follows

ARTICLE VIII.—EDUCATION

SEC. 1 The Legislature shall provide for the election by the people of a superintendant of public instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the Legislature may direct

The 2d section then coming up, as follows, viz.

2 The Legislature shall encourage by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvements The proceeds of all lands that may be granted by the United States to this State for the support of schools which may be sold or disposed of, and the 500,000 acres of land granted to the new States under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A D 1841; and all estates of deceased persons who may die without leaving a will or heir; and also such per cent. as may be granted by Congress on the sale of lands in this State shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands and such other means as the Legislature may provide, shall be inviolably appropriated for the support of public schools throughout the State *Provided*, That the Legislature may, if the exigencies of the State require it, appropriate to other purposes the revenue derived from the 500,000 acres of land granted by Congress to new States, A. D. 1841, and also the rents and profits of all other unsold lands not granted by Congress for the support of education.

Mr. Botts moved to strike out all after the word "State," beginning with the word "Provided,"

Mr. Jones moved to amend the amendment by striking out the word "inviolably" before the word "appropriated," and to insert after the word "appropriate" the words "previous to the year 1855."

After some debate, the question was taken on the amendment to the amendment, and it was rejected.

Whereupon, the question recurring on the amendment of Mr. Botts it was adopted, and the section as amended, then passed.

The 3d section then coming up as follows

3. The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each district, at least three months in every year, and any school district neglecting to keep up and support such a school, may be deprived of its proportion of the interest of the public fund during such neglect.

Mr Hastings moved to strike out "three" and insert "six"

After debate, the question was taken, and the amendment rejected; and the question then recurring on the section as reported, it was adopted

The 4th section then being under consideration, as follows:

4. The clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied in the several counties in which said money is paid or fine collected, among the several school districts of said counties in the proportion of the number of inhabitants in each district, to the support of common schools, or the establishment of libraries, as the Legislature shall from time to time provide by law.

Mr. McDougal moved to amend, by striking out the word "inhabitants" and inserting the word "children."

After a short debate, the question was taken on the amendment, and it was lost; and the question then recurring on the section, it was rejected

Mr. Semple then moved the following in place of section 4th just rejected, but on the question being put, it was lost, after much debate, viz:

4. All funds collected from any source, intended for purposes of education, shall be paid into the educational fund, and shall be appropriated throughout the State according to its number of children in such manner as may be directed by law. *Provided*, that no private donation shall be diverted from the purpose for which the donor intended such donation.

The question then coming up on section 5th as reported, it was adopted without debate, as follows

5. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be granted by the United States, or by any person or persons to this State, for the use of an University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said university, with such branches, as the public convenience may demand, for the promotion of Literature, the Arts and Sciences, as may be authorised by the terms of such grant. And it shall be the duty of the Legislature as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university

On motion the committee then rose, reported progress and had leave to sit again

The house took a recess until half past 3 P M

HALF PAST 3 O'CLOCK P M.—The Convention met pursuant to adjournment

On motion of Mr Shannon, the president not being present, Mr. F. J. Lippitt took the chair temporarily

Mr. Wozencraft introduced the following, and on his motion it was referred to the Committee of the Whole, viz

Public Charities.—The Legislature shall at an early day provide for the erection of one or more suitable building or buildings, to be designated and used as a public hospital or hospitals, to be located at each place or places as shall the best subserve the good and welfare of suffering humanity; and shall *provide for the support and maintenance of* the same, out of such funds as are not otherwise appropriated.

On motion of Mr Sherwood, the house then went into Committee of the Whole, Mr. Lippitt in the chair, on the report of the Committee on the Constitution

The consideration of so much of the report of the Committee on the Constitution as relates to the judiciary was then, on motion taken up

The reports of the majority and minority of the committee were then read

The first section of the report of the committee being under consideration,

Mr. Ord offered a substitute for the whole report of the committee, which was read.

Mr. Dimmick then moved the first section *of the report of the minority as an amendment* to the amendment.

After a long debate on questions of order, and much confusion, the committee rose, reported progress, and had leave to sit again.

On motion, *the house then took a recess* till 8 P. M.

EIGHT O'CLOCK, P. M.—The house met pursuant to adjournment

Mr. Crosby offered the following resolution, which after much debate was rejected, viz.

Resolved, That a committee of five be appointed with instructions to report upon the three plans for a judiciary now before this body.

On motion of Mr Gwin, the house then resolved itself into the Committee of the Whole, Mr. Shannon in the chair, on so much of the report of the Committee on the Constitution as relates to the judiciary.

After much debate, the committee, on motion, rose, reported progress, and had leave to sit again.

Mr. Crosby renewed his motion for the appointment of a committee, and it was again rejected.

After many motions, much confusion, and much conversation, the house, on motion, again resolved itself into Committee of the Whole, Mr. Shannon in the chair, on the judiciary.

Much debate ensued, and the session was prolonged to a late hour. After several ineffectual efforts, the committee rose, reported progress, and had leave to sit again.

On motion of Mr Sherwood, a committee of three [Messrs Norton, Jones and Dimmick,] were then appointed to report upon the three propositions for a judiciary.

On motion, the house then adjourned

WEDNESDAY, Sept. 26, 1849.

The Convention met pursuant to adjournment. Prayer by Rev S. H. Willey

Journal of yesterday read, amended and approved.

Mr Vallejo then offered the following, which, being objected to, lays over for one day, viz:

Resolved, That three commissions be elected by ballot to draft a Code of Laws for the State of California to report at the first session of the Legislature to be elected under this Constitution

Mr. Norton, from the Special Committee on the Judiciary, made a reprot, which was read and referred to the Committee of the Whole.

The House then resolved itself into Committee of the Whole, Mr. Botts in the chair, on the report of the Select Committee on the Judiciary.

The question was then taken on the 1st and 2d sections, and they were adopted, without debate as follows, viz

SEC. 1. The Judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, and in Justices of the Peace The Legislature may also establish such Municipal and other Inferior Courts as may be deemed necessary

SEC. 2. The Supreme Court shall consist of a Chief Justice, and two Associate Justices; any two of whom shall constitute a quorum

The 3d section then *coming up as follows*, viz

SEC 3 The Justices of the Supreme Court shall be elected at the General Election by the qualified electors of the State, and shall hold their office for the term of six years, from the first day of January next after their election; *Provided*, that the Legislature shall, at its first meeting, elect a Chief Justice and two Associate Justices of the Supreme Court by joint vote of both Houses, and so classify them that one shall go out of office every two years After the first election, the Justice in commission shall be the Chief Justice.

Mr Hastings moved to amend by striking out the proviso, which motion, on the question being taken was lost, and the section was then adopted

The fourth section then coming up, Mr. Lippitt moved to insert after the word "thereof," and before the word "shall," the words "as well as all District and County Judges," which motion having passed, the section as amended was adopted

Mr Jones moved a reconsideration for the purpose of allowing Mr La Guerra to propose an amendment; which having been carried

Mr La Guerra moved to amend by inserting after the word "cases" and before the word "in," the words "where the matter in dispute exceeds $200."

After a long debate, the question was taken *on the amendment*, and it was passed.

Whereupon, the question recurring on the section as amended, it was adopted after a long debate, as follows, viz

SEC. 4 The Supreme Court shall have appellate jurisdiction in all cases, when the matter in dispute exceeds $200, or concerns the legality of any tax, toll or impost, or municipal fine, and to all *criminal cases amounting to felony*, on questions of law alone. And the said Court, and each of the Justices thereof, as well as all District and County Judges, shall have power to issue writs of *habeas corpus*, at the instance of any person held in actual custody They shall also have power to issue all other writs and process, necessary to the exercise of their appellate jurisdiction, and shall be conservators of *the peace throughout the State*.

On motion of Mr. Lippitt, the committee then rose, reported progress, and had leave to sit again.

The house then adjourned to 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.—The Convention met pursuant to adjournment.

On motion of Mr. Crosby, the house resolved itself into Committee of the Whole, Mr. Lippitt in the chair, on the report of the Special Committee on the Judiciary.

Sections 5 and 6 were then adopted as follows

SEC 5. The State shall be divided by the first Legislature, into a convenient number of Districts, subject to such alteration from time to time as the public good may require; *for each of which a District Judge shall be* appointed by the joint vote of the Legislature at its first meeting, who shall hold his office for two years from the first day of January next after his election; after which said *Judges shall be elected by* the qualified electors of their respective districts at the General Election, and shall hold their office for the term of six years.

SEC. 6. The District Courts shall have *original* jurisdiction in Law and Equity, in all civil cases where the amount in dispute exceeds $200, exclusive of interest In all Criminal Cases, not otherwise provided for, and in all issues of fact joined in the Probate Court, their jurisdiction shall be unlimited

Section 7 being under consideration,

Mr. McDougal offered to amend by inserting after the word "*election*" *and before the* word "of," the words "by the people."

After a short debate, the amendment was adopted, and the section as amended passed, as follows:

SEC. 7. The Legislature shall provide for the election by the people of a Clerk of the Supreme Court and County Clerks, District Attornies, Sheriffs, Coroners and other necessary Officers; and shall fix by law their duties and compensation County Clerks shall be ex officio Clerks of the District Courts in and for their respective Counties.

Sections 8, 9, 10, 11, 12, 13, 14, 15, and 16 were then adopted without debate, as follows

SEC 8. There shall be elected in each of the organised Counties of this State, one County Judge, who shall hold his office for four years. He shall hold the County Court and perform the duties of Surrogate or Probate Judge The County Judge, with two Justices of the Peace to be designated according to law, shall hold Courts of Sessions, with such criminal jurisdiction as the Legislature shall prescribe; and he shall perform such duties as shall be required by law.

SEC. 9. The County Court shall have such jurisdiction in cases arising in Justices' Courts and in Special Cases, as the Legislature may prescribe, but shall have no original civil jurisdiction except in such special cases.

SEC. 10. The times and places of holding the Terms of the Supreme Court, and the General and Special Terms of the District Courts within the several Districts shall be provided for by law

SEC. 11. No Judicial Officer except Justices of the Peace shall receive to his own use any fees or perquisites of office

SEC. 12. The Legislature shall provide for the speedy publication of all Statute Laws, and of such Judicial Decisions as it may deem expedient, and all Laws and Judicial Decisions shall be free for publication by any person.

SEC. 13. Tribunals for Conciliation may be established with such powers and duties as may be prescribed by law; but such Tribunals shall have no power to render judgment to be obligatory on the parties except they voluntarily submit their matters in difference, and agree to abide the judgment, or assent thereto in the presence of such Tribunals in such cases as shall be prescribed by law.

SEC. 14. The Legislature shall determine the number of Justices of the Peace to be elected in each County, City, Town and Incorporated Village of the State, and fix by law their powers, duties and responsibilities. It shall also determine in what cases Appeals may be made from Justices' Courts to the County Court.

SEC. 15. The Justices of the Supreme Court and Judges of the District Courts shall severally, at stated times, during their continuance in office receive for their services a compensation to be paid out of the Treasury which shall not be increased or diminished during the term for which they shall have been elected. The County Judges shall also, severally at stated times, receive for their services, a compensation to be paid out of the County Treasury of their respective Counties, which shall not be increased or diminished during the term for which they shall have been elected

SEC. 16. The Justices of the Supreme Court and District Judges, shall be ineligible to any other office during the term for which they shall have been elected.

Mr. Ord then moved the following as section 17, viz

SEC. 17. Judges shall not charge Juries with respect to matters of fact, but may state the testimony and *declare the law*.

Mr. Botts moved to amend by striking out the words "may state the testimony and,"

After a long and animated debate, the amendment was rejected, and the section adopted.

The 18th section of the report of the Committee was then passed without debate, viz

SEC. 18 The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in the name and by the authority of the same.

The committee then rose, reported progress, and had leave to sit again.

On motion of Mr. Gwin, the house then resolved itself into Committee of the Whole, Mr. Lippitt in the chair, on so much of the report of the Committee on the Constitution as relates to "Miscellaneous Provisions."

The first section thereof being under consideration, as follows:

SEC. 1. The first Session of the Legislature shall be held in the Pueblo de San Jose, which place shall be the permanent Seat of Government until removed by law—*Provided*, however, that two-thirds of all the members elected to each house of the Legislature shall concur in the passage of such law.

Mr. Halleck offered the following as a substitute:

The first session of the Legislature under this Constitution shall be held at Monterey, *and the subsequent sessions at the* permanent Seat of Government, which shall be the Pueblo de San Jose, unless otherwise directed by a majority of all the members elected to each house of the Legislature.

Mr Price moved to amend the amendment, by striking out the word "Monterey" and insert the words "San Francisco"

After a long debate, the question was taken on Mr Price's amendment, and it was lost.

Mr. Cobarruvias then moved to amend the amendment of Mr. Halleck, by striking out all after the words "San Jose."

Another long debate here occurred, when the question being taken on the amendment to the amendment, it was lost.

After still further debate, the house, on the question being put, rejected the proposition of Mr. Halleck, and then adopted the section as reported by the Committee—Ayes 23; Nays 14.

The Committee, on motion then rose, reported progress, and had leave to sit again.

Mr. Price then offered the following, which was adopted.

Resolved, That a committee of three be appointed to receive designs for a Seal for the State of California, to select one from those offered, if appropriate, and report the same to this Convention.

The chair then announced Messrs. Price, Sherwood and McDougal as such committee.

The house then adjourned

THURSDAY Sept. 27, 1849.

The Convention met pursuant to adjournment.

Prayer by Padre Ramirez.

Journal of yesterday read and approved

Mr Steuart offered the following resolution, which being objected to, lays over one day, viz.

Resolved, That a committee of three be appointed to prepare and publish an Address to the People of California, invoking their early consideration of the Constitution submitted for their approval, and urging the attendance of every qualified voter at the polls, at the elections appointed to be held, in order that a full and fair expression of the public voice may be had upon questions involving the peace, happiness and prosperity of the whole people.

On motion the Convention then resolved itself into committee of the whole, Mr Botts in the chair, on the report of the committee on the constitution.

The second section of the "Miscellaneous Provisions" being under consideration as follows

"2. Any citizen of this State, who shall, after the adoption of this constitution fight a duel with deadly weapons, with a citizen of this State, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, with a citizen of this state, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall be deprived of holding any office of profit, and of enjoying the right of suffrage under this constitution.

After much debate, Mr. Steuart offered to amend by striking out the words "a citizen of this state," wherever they occur.

A long debate here ensued, during which sundry amendments were offered, but the house finally adopted the amendment of Mr. Steuart, and passed the section as amended, as follows.

Sec. 2. Any citizen of this State who shall after the adoption of this Constitution fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this state or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall be deprived of holding any office of profit, and of enjoying the right of suffrage under this Constitution.

Section 3 then coming under consideration, as follows

Sec 3. Members of the Legislature and all officers before they enter upon the duties of their offices, shall take the following oath or affirmation, "I, (A B) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ——— according to the best of my abilities and understanding, agreeably to the Constitution and Laws of the United States and of this State, and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it with a citizen of this State, nor have I sent or accepted a challenge, to fight a duel with deadly weapons with a citizen of this State, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending, so help me God.

Mr Halleck moved to strike out the whole section and insert the following viz

3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ——— according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

After a short debate, the question was taken and the amendment of Mr Halleck adopted.

The question was then taken without debate, on sections 4, 5, 6, 7, 8, 9, 10, 11 and 12, and they were passed, as follows -

Sec. 4. The Legislature shall establish a system of county and town governments, which shall be as nearly uniform as practicable throughout the state.

Sec. 5. The Legislature shall have power to provide for the election of a board of supervisors in each county, and these supervisors shall jointly and individually perform such duties as may be prescribed by law.

Sec. 6. All county officers, whose election or appointment is not provided for by this Constitution, shall be elected by the respective counties, or appointed by the board of supervisors or other authorities as the Legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or some division thereof, or appointed by such authorities as the Legislature shall designate for that purpose, and other officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people or appointed as the Legislature may direct.

Sec. 7. When the duration of any office is not provided for by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment, but the duration of any office not fixed by this Constitution shall never exceed four years.

Sec. 8. The political year shall begin on the 1st day of January, and the fiscal year on the 1st day of July.

Sec. 9. Each county, town, city and incorporated village, shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

Sec. 10. The credit of the State shall not in any manner be given or loaned to or in aid of any individual, association or corporation, nor shall the State directly or indirectly become a stockholder in any association or corporation.

Sec. 11. Suits may be brought against the State in such manner, and in such courts as shall be directed by law.

Sec. 12. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

Mr. Halleck offered the following: -

All lands liable to taxation in this State, shall be taxed in proportion to their value, and this value shall be appraised by officers elected by the qualified electors of the district, county, or town in which the lands to be taxed are situated.

Mr. Ord moved to amend by striking out the word "lands" after the word "all" and insert the words "immovable and movable property;" to strike out the word "their" before the word "value," and insert the word "its," and to strike out all after the word "the" and before the word "situated," and insert the words "said property is."

After a short debate, the question was taken, and the amendment of Mr. Ord rejected, and the proposition of Mr Halleck, adopted.

On motion the committee then rose, reported progress, and had leave to sit again.

The house then adjourned to 7 P. M

Seven o'clock, P M —The Convention met pursuant to adjournment

On motion of Mr. Sherwood, the committee appointed to report a plan for taking the State census, were instructed to report to-morrow

On motion, the house then resolved itself into committee of the whole Mr Shannon in the chair, on so much of the report of the committee on the constitution as relates to the "Miscellaneous Provisions"

The 13th section of said report being then under consideration, as follows.

Sec. 13 All property, both real and personal, of the wife, owned or claimed by her *before marriage, and that acquired afterwards* by gift, devise or descent, shall be her separate property, and laws shall be passed more clearly defining the rights of the wife in relation, as well to her separate property as that held in common with her husband Laws shall also be passed providing for the *registration of the wife's separate property*

Mr Lippitt moved to amend by striking out the whole section, and inserting the following, viz.

Laws shall be passed more effectually securing to the wife the benefit of all property owned by her at her marriage or acquired by her afterwards by gift, devise, bequest, or otherwise than from her husband

After a long, animated and interesting debate, the question was taken, and the amendment was rejected, and the section adopted as reported

Section 14 then coming up as follows

Sec 14 The Legislature shall have power to protect by law, from forced sale a certain portion of the property of all heads of families The homestead of a family, not to exceed three hundred and twenty acres of land, (not included in a town or city) or any town or city lot or lots in value not to exceed two thousand dollars, shall not be subject to forced sale for any debts hereafter contracted, nor shall the owner, if a married man, be at liberty to alienate the same, unless by consent of the wife, in such manner as the Legislature may hereafter point out

After an extremely long debate, and innumerable propositions to amend, the section was finally passed as follows

14 The Legislature shall protect by law from forced sale, a certain portion of the homestead and other property of heads of families

Mr Wozencraft then called up his proposition relative to charities, as follows,

The Legislature shall at an early day provide for the erection of one or more suitable building or buildings to be designated and used as a public hospital or hospitals, to be located at such place or places as shall the best subserve the good and welfare of *suffering humanity, and shall provide for the* support and maintenance of the same, out of such funds as are not otherwise appropriated.

After a short debate the question was taken and the amendment rejected.

Mr Lippitt moved the following, which was adopted as a new section, viz:

No perpetuities shall be allowed.

Sections 15, 16, 17 and 18, were then adopted without debate as follows, viz.

Sec 15. Every person shall be disqualified from holding any office of profit in this state, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Sec. 16 Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, forgery, perjury or other high crimes. The privilege of free suffrage, shall be supported by laws regulating elections and prohibiting under adequate penalties all undue influence thereon from power, bribery, tumult or other improper practice.

Sec 17. Absence on the business of this State or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under this Constitution.

Sec. 18. A plurality of the votes given at an election shall constitute a choice where not otherwise directed in this Constitution.

Mr. La Guerra offered the following, which was unanimously adopted, viz:

20. All laws, decrees, regulations and provisions emanating from any of the three supreme powers of this State, which from their nature require publication, shall be published in English and Spanish.

On motion the committee then rose, reported the article with sundry amendments, and had leave to sit again.

Mr. Norton, from the committee on the Constitution laid before the Convention the following, viz.

The Chairman of the select committee is requested to ask instructions from this convention, as to whether the government established by this Constitution shall go into operation from and after the day of its ratification by the people; or not until official news is received of the admission of California into the union as a state.

M. Norton, *Chairman.*

In order to obtain the sense of the Convention, Mr. Norton then offered the following

Resolved, That the government established by this Constitution shall go into operation as soon as practicable after the ratification of said Constitution by the people.

On motion the subject was laid on the table, and the house then adjourned.

Friday, Sept. 28, 1849.

The Convention met pursuant to adjournment. Prayer by Rev. S H. Willey.

Journal of yesterday read and approved.

Mr. Wozencraft, from the committee on printing, made a report which was read and laid on the table.

The resolution offered by Mr. Norton yesterday was then called up, and debated during the whole morning

The Convention adjourned without taking the question thereon, to 3 o'clock, P. M

Three o'clock, P. M.—The Convention met pursuant to adjournment

The question was then taken on the resolution of Mr. Norton, and it was unanimously adopted, as follows, viz:

Resolved, That the government established by this constitution shall go into operation as soon as practicable after the ratification of said constitution by the people

On motion of Mr Gilbert the committee on printing were instructed to report on Monday morning next

On motion of Mr. Halleck the Bill of Rights as reported from committee of the whole was taken up and the first three sections agreed to as reported

On motion the house adjourned to 7 P. M.

Seven o'clock, P M —The Convention met pursuant to adjournment.

Mr Crosby, from the committee on finance *made a report, which was read and the committee* discharged from further service

The report fixes the pay of the members of this Convention at $16 per diem, and $16 for every twenty miles travel, and that of the President at $25 per diem

Mr. Sherwood moved that the report be adopted

Mr Botts moved the following amendment, viz

Resolved, That the Legislature of the state of California shall be authorized to provide by law for the payment of the members of this convention.

After some debate the question was taken on Mr. Botts' resolution, and it was lost—ayes 7, noes 31.

Mr Jones then offered the following amendment, viz.

Resolved, That the pay of the members of this convention shall be eight dollars per day, and eight dollars for *every twenty miles* travel going and returning.

Mr Cobarruvias moved to amend the amendment of Mr. Jones as follows, viz:

Resolved, That it being the duty of every citizen to serve his country gratuitously, when circumstances require it, the delegates of this convention shall *receive no compensation* whatever for their services

After debate, the question was taken on the amendment to the amendment, and it was lost. Ayes 10, noes 32.

The question was then taken on the amendment of Mr. Jones, and it was lost Ayes 9, noes 31

On motion of Mr. Vermule the report of the committee was so amended as to allow the President the same mileage as members

Whereupon, the question recurring on the adoption of the report as amended, it was *carried. Ayes 32, noes 13*

The house then took up the Bill of Rights as reported from the committee of the whole.

Mr. Norton moved the following as section seven, viz.

7. All persons shall be bailable by sufficient sureties, unless for capital offences when the proof is evident or the presumption great.

Mr. Hastings moved to amend by striking out all after the word "offences."

After debate the question was taken, the amendment rejected, and the section adopted.

Mr Norton then moved the following as section ninth, but after debate it was rejected, viz:

9. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district or county wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel for his defence.

Section 9, as reported by the committee being then under consideration,

Mr. Lippitt moved to strike out the words "to instruct their representatives," which motion after debate, was negatived.

On motion of Mr. Vermule the 12th section was then amended by inserting the words "to be" after the word "manner."

On motion of Mr Steuart, the 13th section was then amended so as to read as follows.

13. Representation shall be apportioned *according to population.*

The house having finished the consideration of the Bill of Rights, on motion of Mr. Halleck it was ordered to be engrossed, for a third reading.

Mr Vallejo then called up his resolution offered a few days since.

Mr. Halleck *moved to amend.*

After a long debate, the resolution as amended was adopted—ayes 21, noes 12—as follows, viz.

Resolved, That three commissioners be elected by ballot to draft a code of laws for the government of California, to be submitted to the legislature at the *first session* thereof, subject to its adoption and modification from time to time.

On motion the house then adjourned to 12 M, to morrow.

Saturday, Sept. 29, 1849.

The convention met pursuant to adjournment. Prayer by Padre Ramirez.

The journal of yesterday was read, amended and approved.

Mr. Moore from the committee appointed to report a plan for taking the census, made a report which was read and laid upon the table

Mr. Norton from the committee on the constitution, made a report, which was read and referred to the committee of the whole.

Mr. Price, from the committee appointed to receive proposals for a seal for the state, made a report, which was read and laid on the table.

Mr Sherwood then moved to go into the election of the commissioners called for by the resolution adopted yesterday, but finally withdrew it in favor of a motion to reconsider, which having passed,

After a long discussion the house took a recess till 3 1-2 o'clock, P M

Three o'clock, P M —The convention met pursuant to adjournment.

After a long debate on the resolution under reconsideration,

Mr. Price offered the following amendment, viz.

The legislature, at its first session after the adoption of this constitution, and from time to time thereafter, as may be necessary, shall pass laws regulating the tenure of office, the filling of vacancies therein, and the compensation of the said commissioners,

After still further debate the question was *taken on the amendment of Mr. Price* and it was rejected

Further debate ensued, after which the question was taken on the original resolution and it was rejected Ayes 18, noes 26

The house then adjourned till 7 1-2 P M.

Half past seven o'clock, P. M.—The convention met pursuant to adjournment

On motion the house then went into consideration of the report of the committee on a state seal, and after a short debate again laid the matter on the table.

The house then, on motion, took up so much of the report of the committee of the whole as relates to the "right of suffrage."

The President having stated to the house that he was too ill to conduct business, Mr. Norton took the chair pro tem

The question being on agreeing to the amendment to the first section as adopted by the committee of the whole,

Mr. Halleck *moved the following substitute*, viz:

"And every citizen of Mexico (Indians not taxed as owners of real estate and negroes excepted) entitled to the right of suffrage at the ratification of the treaty of Guadalupe Hidalgo, and who shall have elected to become a *citizen of the United States* under the provisions of said treaty."

After a stormy debate of some length,

Mr. Sherwood moved the following amendment to the amendment.

"Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state six months next preceding the election, and the county in which he claims his vote twenty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law"

Several members here rose to a point of order, stating that the amendment now offered by Mr Sherwood was the original section, an amendment to which had been adopted in committee of the whole, and that it would therefore not be competent to move the original section as an amendment to an amendment to that *original section* reported by the *committee on the constitution.*

The chair decided that the amendment was in order.

An appeal was taken, but not put.

After considerable confusion and conversation a call for the previous question was sustained.

Thereupon, the question being taken on the amendment of Mr. Sherwood, it was rejected.

Mr. Steuart then inquired if an amendment would be in order?

The chair decided that it would not be in order.

Mr. Price then moved to adjourn.

The chair decided that under the operation of the "previous question" a motion to adjourn was not in order.

Mr. Price appealed from the decision of the chair.

Whereupon, the question being taken the decision of the chair was sustained as the decision of the house.

The question was taken on the amendment of Mr. Halleck, and it was rejected.

The question then recurring on the amendment of the committee of the whole, several members inquired what would be the effect *of the rejection of this amendment:*

The chair was of opinion that the rejection of this amendment would, under the previous decision of the chair and the action of the house, strike out the whole section and leave it blank; and he was clearly of opinion that the decision by which the amendment of Mr. Sherwood was entertained, and the subsequent action of the house thereon was out of order and wrong. It is therefore competent, for the house to retrace its steps and remedy the wrong.

Much confusion and conversation ensuing, a motion to adjourn was carried.

Monday, Oct. 1, 1849.

The convention met pursuant to adjournment. Prayer by Rev. S. H. Willey.

Journal of Saturday read and approved.

The house then, on motion, took up the report from the committee of the whole on the "right of suffrage," and the first three sections of said report were concurred in.

Mr. Gilbert then moved the following substitute for the fourth section, which after debate, was adopted, viz:

4. For the purpose of vo shall be deemed to have ga idence by reason of his presen while employed in the servi States; nor while engaged in the of the waters of this State, or of the States, or of the high seas; nor dent of any seminary of learning kept at any almshouse, or other public expense; nor while conf public prison.

The fifth section as reported passed

Mr. Botts moved to strike out ballot out of the sixth section *viva voce,* which amendment ed, and the section adopted.

The second Article was then be engrossed for a third reading

Article III was then taken up

Article IV being then under tion,

Mr. Botts moved to insert the the first section, viz:

1. The legislature shall have act all laws for the good of this state not conflict with the provisions of the tution.

On the question being taken it wa

Mr. Gilbert then moved to amend the section as reported by striking out their laws shall commence in the manner," and inserting the enacting of every law shall be as follow amendment was adopted.

Mr. Gwin then moved to amend the *section by inserting* at its beginning "Until the legislature shall have prov law for biennial sessions,"

After much conversation, and ma gestions, the amendment was rejec the section adopted.

Sections 3, and 4 were then adopte On motion the house adjourned to 7 P.

Seven o'clock, P M.—The con met pursuant to adjournment, and the consideration of Article IV.

The 5th and 6th sections of the were then adopted.

Mr Price then moved to strike *seventh section* and insert the fo which was adopted, viz:

7. When the number of senators creased, they shall be apportioned by as to keep the two classes as nearly number as possible.

Mr. Botts moved to amend the by striking out the last clause, and therefor the words, "but other elections shall be determined in such as may be provided by law."

The motion was decided in the n

Mr Lippitt then moved to strike last clause of the section; which ing been carried, the section as amend adopted.

The 9th, 10th and 11th section adopted as reported by the committee whole.

Mr. Steuart moved to strike out 12th *section the words "from arre* shall they be subject to any civil and to insert "from any process of and to substitute the word "and" word "nor" before the words "for The amendment was rejected.

Mr. Lippitt then moved to amend, by ing out the entire section and inser following.

12. During the session of the Leg and for fifteen days next before the mencement and after the termination session, members of the legislature all cases, except treason, felony and of the peace, be privileged from arr *from any civil process.*

This amendment, and others, bein ded in the negative, the section was as reported.

The 13th, 14th and 15th sections then adopted as reported.

Mr. Vermule moved to amend the section by inserting the words "exc bill for the appropriation of money," the word "bill." The motion was dec in the negative, and the section adopte reported

The 17th, 18th, 19th and 20th sec were then adopted as reported.

Mr. Botts moved to amend the 21st tion by striking out the first clause, from word "no" to the word "legislature," clusive, and inserting in lieu thereof " person holding any lucrative office under United States, or any other power, shall eligible to any civil office of profit under state"

The amendment was agreed to, and section, as amended, was adopted.

Mr Vermule moved to amend the section, by substituting therefor the follo *ing*, viz:

22 No person who shall be convicted the embezzlement or defalcation of the lic funds of this state, shall ever be eli to any office of honor, trust, or profit und this state. And the legislature shall, as as practicable, pass a law providing for punishment of such embezzlement or defa tion as a felony.

Pending this amendment, the house journed to 10, A. M., to-morrow.

Tuesday, Oct. 2, 1849.

The convention met pursuant to adjou ment. Prayer by Padre Ramirez.

Journal of yesterday read and approved.

Mr. McCarver submitted the following solutions, which were read and referred to committee of the whole, viz.

Resolved, As the deliberate opinion of convention, that the public domain within limits of this state, in right and justice longs to the people of California, and the disturbed *enjoyment* thereof ought to be cured in them

Resolved, That the legislature of this st at its first session, be requested to take steps as they may deem necessary to ca out the object of the foregoing resolution.

McDougall offered the following, viz:
...olved, That in the opinion of this con... the moneys collected as duties on goods in the ports of California, after ...fication of the treaty of peace, with ... and before the revenue laws of the States went into operation, of right ... the people of California.

Sherwood having called the previous ... the house sustained the motion, and ...lution was then passed. Ayes 35,

Gwin then moved a reconsideration; ...ution, after long debate, was with...

Botts then offered the following reso... viz:

...olved, That as, in the opinion of this ... the moneys collected on foreign goods ... ports of California after the ratification ... with Mexico, belongs to the people ..., it ought to be paid over to the ...er of the state of California as soon as ...ble after he is elected and qualified.

...bate, Mr. Halleck moved to lay the ... on the table, and it was decided in ...ative.

...erwood submitted the following re... which being objected to, lays over,

...olved, That a commission, consisting ... B. Weller and Peter H. Burnett, be ...ed by this convention, whose duty it ... to prepare a code of laws for the gov...ment of California, to be submitted to the ...ature for its adoption at the first session ...; *Provided that the whole expenses of* ... commission, including compensation of ...oners, clerk hire office rent, station..., shall not exceed four thousand dol... and the amount thereof to be fixed at ... session of the legislature.

The house, then, on motion of Mr. Price, ... into consideration of the report of the ...ittee on the seal of the state.

After a long debate the house adjourned to ...clock, P. M.

THREE O'CLOCK, P. M.

The convention met pursuant to adjourn..., and resumed the consideration of the ...t of the committee on the seal.

...er a very long debate, and the presenta... of many suggestions and amendments, ... following resolution, offered by Mr. Price, ... adopted, viz:

...esolved, That the design for a seal for ...ate of California, reported by the com...e, be accepted, and that the explanation ... design be entered upon the journal of ... house.

... motion of Mr. Sherwood the "seal" ...ed, was also adopted as the "Coat of ..." of the State.

... Price offered the following, which was ... on the table, viz:

...esolved, That Mr. Caleb Lyon, be and ...reby authorized to superintend the en...ing of the seal for the state, and to fur... the same in the shortest possible time to ... secretary of this convention, with the ... and all necessary appendages; and that ... sum of $1000 be advanced to Mr. Lyon ... compensation and payment for the de... and seal.

...r. La Guerra gave notice of a motion to ...nsider the first section of article second of ... constitution, relative to suffrage.

... motion, the consideration of the fourth ...le of the constitution was resumed.

The question recurring on the amendment ...ed by Mr. Vermule to section 22, it was ...ted. [*See yesterday's proceedings*]

...r. Price moved to amend section 23, by ...ing thereto the following, viz.

...n accurate statement of the receipts and ...nditures of the public money, shall be ...ched to and published with the laws, at ... regular session of the legislature.

The amendment was agreed to, and the ..., as amended, passed.

...ctions 24, 25, 26, 27, 28, 29, 30 and 31 ... then passed as reported.

...r. McDougal then offered the following ... additional section:

...y one member of either house shall have ...y to dissent from, and protest against ...act or resolution which he may think in...us to the public, or any individual or in...duals, and have the reason of his dissent ...red on the journals.

...ter debate, the question was taken there... and it was decided in the negative

...ections 32 and 33 were then adopted as ...ted.

...r. Botts moved to strike out the 34th ...on, and to insert the following, viz:

It shall be the duty of the treasurer of ... state to receive on deposit gold and silver, ...er coined or in bullion, and to issue certi...tes for the same, redeemable on demand at ... treasury in gold or silver coin, under such ...ictions and upon such terms as the legis...re may prescribe. But no certificate of ...sit shall be given for any sum less than ... dollars.

... The issuing of bills, checks, promissory ..., or other paper to circulate as money, ... be taken to be a felony, and shall be ...ished as such; and for any criminal or ...ious act committed by a corporation, the ...ident and directors or other managers, ... be held personally liable.

After a long debate the house adjourned to ... past 7, P. M.

HALF-PAST-SEVEN O'CLOCK, P. M.

The convention met pursuant to adjourn...

The question coming up on Mr. Botts's ...ndment to the 34th section of Article IV. ...ported by the committee of the whole,

Mr. Wozencraft gave notice that he should ..., if the proposed amendments were re...ed, to strike out the words "but associa... may be formed under general laws for ... deposit of gold and silver,"

Mr. Gwin gave notice that when the ques... came upon the final passage of the sec..., he should move to strike it out and in... the following, viz:

...4. The legislature shall have no power to ... any act granting any charter for banking purposes; and shall prohibit by law any per...son or persons, or association or corporation, from making, issuing or putting in circula...tion, any bill, check, ticket, certificate, prom...issory note, or other paper, or the paper of any bank to circulate as money.

After a long debate, the house sustained a call for the previous question.

The question was then taken on the amendment offered by Mr. Botts, and it was *rejected*.

The amendment of the committee of the whole was then adopted.

Mr. Gwin then called for the question on his substitute, of which he had given notice.

The chair decided that under the operation of the previous question, his motion could not now be entertained.

Mr Gwin appealed from the decision of the chair

Much confusion and conversation then occurred; but the question on the appeal was finally put, and the decision of the chair sustained as the decision of the house.

The question was then taken on the section as reported, and it was adopted. Ayes 28, noes 14.

Mr. Gwin then moved to reconsider, which motion was lost.

The 35th, 36th, 37th and 38th sections were then adopted as reported.

The question then coming up on the 39th section,

Mr Norton moved to amend by striking out the words "as will effectually prohibit free persons of color from emigrating to and settling in this state, and to"

Mr. McCraver moved the following substitute, viz:

The legislature shall, at its first session, pass such laws as will effectually prohibit free persons of color from emigrating to and settling in this state, except such as have been, previous to emigration hither, entitled to the right of citizenship in any one of the states of the United States; and to effectually prevent the owners of slaves from bringing them into this state for the purpose of setting them free

A long debate here occurred, when, on motion, the house adjourned

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WEDNESDAY, Oct. 3, 1849

The Convention met pursuant to adjournment Prayer by Padre Ramirez.

Journal of yesterday read, amended and approved.

On motion of Mr McCarver the convention then resumed the consideration of Section 39 of Article IV.

Mr. McCarver then offered the following amendment to the amendment of Mr. Norton, viz:

The legislature shall, at its first session, pass such laws as will effectually prohibit free persons of color from immigrating to and settling in the state, and to effectually prevent the owners of slaves from bringing them to this state for the purpose of setting them free. Provided, that nothing in this constitution shall be construed to conflict with the provisions of the first clause of the second section of the fourth article of the constitution of the United States.

After a long debate, the question was taken and it was lost, Ayes 9, noes 33.

Mr. McCarver offered a new amendment, which was lost.

Mr. McDougal then moved the following, which was rejected:

The legislature shall, at its first session, create such laws as will prohibit the introduction into this State, of any negro or mulatto who was previously a slave in any of the United States or of any other country, *and who is brought here under bonds of indenture; and any bond or indenture given* and executed in this State, by any negro or mulatto who was previously a slave shall be *void*.

Mr Norton, on leave, then withdrew his amendment, and the question being taken *thereon, the section* was rejected, Ayes 8, noes 31.

Mr. Jones moved to reconsider the section, for the purpose of allowing it to be submitted to the people for a separate vote.

The house refused to reconsider, by a vote of 10 ayes to 27 noes.

Mr. Hastings then offered the following, which was rejected Ayes 6, noes 27, viz:

39. The legislature shall pass such laws as may be deemed necessary, either prohibiting the introduction and emigration of free negroes to this State, or prescribing the conditions upon which the introduction and emigration of such persons may be allowed.

Mr. Wozencraft submitted the following as an additional section, which was rejected, viz:

39. That the legislature be instructed to enact such laws as shall effectually prevent convicts and paupers from being thrown into this State from abroad.

On motion, Articles III, and IV, were then ordered engrossed for a third reading

Mr. Norton, from the committee on the constitution, made a report submitting a "Preamble" to the constitution, which was read and referred to the committee of the whole.

Mr. Gwin submitted a minority report on the same subject, which was similarly disposed of.

Mr. La Guerra then called up his motion to reconsider the first section of article II, which having been agreed to, he submitted, on the suggestion of Mr Vermule, the following amendment, viz:

Provided, that nothing herein contained shall be construed to prevent the legislature, by a two thirds concurrent vote, from admitting to the right of suffrage, Indians or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper

Pending this amendment, Mr. Botts moved to amend the section by striking out the words "Indians, Africans and the descendants of Africans excepted" and inserting the word "white" before the words "male citizen of Mexico," which amendment was adopted.

After a short debate, and the presentation and withdrawal of amendments, the *proviso* offered by Mr. La Guerra was unanimously adopted.

The section, as amended, was then ordered to be engrossed for a third reading.

On motion the house then adjourned to 7 P. M.

7 O'CLOCK, P. M.—The convention met pursuant to adjournment.

On motion the house then went into consideration of "Article V—*Executive Department*," as reported from the committee of the whole

The first section was adopted

Mr. Gilbert moved to amend the second section by striking out all after the word "office" and before the word "and" and inserting therefor, the words "for two years from the first day of January next ensuing his election"

After a short debate, the question was taken, and the amendment rejected.

Mr Wozencraft moved to insert the following as an additional section, viz.

A Governor who has served two consecutive terms, shall be, and is hereby so declared, ineligible for the third consecutive term

A short debate ensued, and on the question being taken the amendment was lost

The 3d section was then adopted as reported

Mr Gilbert moved to amend, by striking out the 4th section as reported, and inserting the following, viz.

4 The returns of every election for governor, and other state officers, shall be sealed up by the respective canvassing officers, and transmitted as soon as practicable thereafter, to the seat of government, directed to the secretary of state, who shall, in connection with the treasurer and attorney-general on or before the fifteenth day of December next ensuing, canvass and publish the same in one or more public newspapers The person having the highest number of votes for governor, or other office respectively, as the case may be, shall be declared duly elected, but, in case any two or more persons have an equal and the highest number of votes, for governor or other office respectively, the legislature shall at its first session thereafter, choose, by joint ballot, one of said persons so having an equal and the highest number of votes for governor, or other officer, as the case may be.

After a short debate, the question was taken, and the amendment rejected The 4th section, as reported, was then adopted.

The 5th, 6th, 7th 8th, 9th, 10th, 11th, and 12th sections were then adopted as reported

Mr Botts moved to amend the 13th section by striking out the words "commutation" and "commute" wherever they occur, which amendment was agreed to, and the section as amended adopted.

Sections 14, 15, 16, and 17, were then adopted as reported.

Mr Gilbert moved to amend section 18th by striking out the words "a comptroller." The amendment was *rejected*, and the section adopted.

Sections 19, 20, and 21 were then adopted as reported.

On motion of Mr. Gwin section 22 was stricken out.

Article V was then ordered to be engrossed for a third reading

On motion of Mr. Norton, Article VI, on the Judiciary, was then taken up, and sections 1, 2, 3, 4, and 5 were adopted as reported.

Mr. Ord moved to amend the 6th section by inserting after the word, "issues of" the word "law and," but the amendment was rejected, and *the section adopted as reported*.

Sections 7, 8, 9, 10, 11, 12, 13. 14, 15, 16, 17 and 18 were then passed as reported; and, on motion the Article was ordered engrossed for a third reading.

On motion, Article VII, on the Militia was then taken up, and the first section was adopted as reported.

The house then adjourned.

THURSDAY, Oct. 4, 1849.

The Convention met pursuant to adjournment.

Prayer by Padre Ramirez.

Journal of yesterday read, amended and approved.

Mr. Wozencraft from the committee on printing, made a report which was read and laid on the table.

On motion, the house then resumed the consideration of Article VII, on the militia.

On motion of Mr. Steuart, the second section was stricken out.

Mr. Wozencraft then offered the following, as a substitute for section second, which was rejected, viz

2 The legislature shall encourage the organization of independent companies, and make suitable provision for the same.

Mr. Shannon then moved to strike out the third section, and insert the following, viz:

3 Militia officers shall be chosen, or appointed, as follows: Captains, subaltern and non-commissioned officers shall be chosen by the written votes of their respective companies. Field officers of regiments and separate battalions, by the written votes of the commissioned officers of the respective regiments and separate battalions, brigadier generals and brigade inspectors by the field officers of their respective brigades; major generals, brigadier generals, and commanding officers of regiments or separate battalions, shall appoint the staff officers to their respective divisions, brigades, regiments or separate battalions

Mr. Vermule offered the following amendment to the amendment, viz.

3. Staff officers shall be appointed, and all other commissioned officers of the militia shall be elected, in such manner as the legislature shall, from time to time direct, and shall be commissioned by the governor.

Mr. McCarver having moved the previous question, the house sustained the motion, rejected both the proposed amendments, and adopted the section as reported

On motion the Article was then ordered engrossed for a third reading.

On motion Article VIII, on state debts, was taken up and passed as reported by the committee of the whole, and ordered to be engrossed for a third reading.

On motion of Mr. Ellis Article IX, on Education, was taken up and the first section adopted as reported.

The question then being on agreeing to the amendment of the committee of the whole to the second section,

Mr Sherwood moved to amend by inserting "two-thirds" before the word "legislature"

Mr Steuart moved to amend the amendment of Mr Sherwood so as further to amend the proviso by striking out all after the word "purposes" to the words "the rents" inclusive, and also the word "other" in the succeeding portion of the proviso.

After a long debate, the question was taken, both of the amendments were rejected, and the section adopted, as reported

The house then took a recess for one hour.

3 1-2 O'CLOCK, P M—The Convention met pursuant to adjournment

On motion Article IX, was then resumed, and sections three and four adopted as reported

The Article, was then, on motion, ordered to be engrossed for a third reading.

On motion Article X, on amendments to the constitution was then taken up

Mr Jones moved to amend the first section by striking out the words "two thirds" and inserting "a majority"

After debate, the amendment was rejected, and the section adopted

Mr Botts then moved to amend the second section by striking out the words "two thirds" and inserting "a majority"

After debate, the question was taken, and the amendment of Mr. Botts rejected.

Mr Steuart then offered the following amendment, viz:

Provided, That nothing herein contained shall be construed to deny the people of this state the inherent right which belongs to every free people to meet in convention for the purpose of altering and amending the organic law of their government in such manner as a majority shall deem expedient.

After much debate, the question was taken, and it was rejected

The house then adjourned to 7 1-2 o'clock, P. M

7 1-2 O'CLOCK, P. M.—The Convention met pursuant to adjournment.

Mr. McCarver moved to reconsider section first of Article X, which having been agreed to,

Mr Jones renewed his motion to amend by striking out the words "two thirds" and inserting the words "a majority."

The previous question having been moved and sustained, the question was put, and the amendment adopted.

The first and second sections were then passed, and the Article was ordered to be engrossed for a third reading.

On motion the house then took up the "Miscellaneous Provisions" as reported by the committee of the whole.

Mr. Halleck moved to amend the first section by inserting between the words "held" and "at" the words "at Monterey, and the *subsequent sessions*"

After a long debate, the question was taken, and the amendment rejected. Ayes 17, noes 27.

The 1st section was then passed as reported.

The second section having been adopted *after* debate, Mr. Gwin, moved a reconsideration, which was agreed to, to allow Mr. Steuart to offer the following substitute, viz:

2. The legislature shall, at as early a period as practicable, pass laws for the suppression and punishment of the practice of duelling within this state

After debate, the question was taken and the amendment rejected, and the original section was adopted. Ayes 21, noes 19,

Sections 3, 4, and 5 were then adopted as reported.

Mr Lippitt then moved to amend section six by striking out all from the commencement of the section to the word "*purpose*" inclusive, and by striking *out* the word "other" in the first line of the remaining portion. Thus amended the section was passed.

The 7th section was then adopted as reported

Mr. Price moved to amend the 8th section by *striking* out the words, "The political year shall begin on the first day of January, and."

After a short debate, the amendment was agreed to and the section adopted as amended

Sections 9, 10, 11, and 12 were then adopted.

On motion, the consideration of section 13 was postponed.

Section 14 was then, after debate adopted.

The house then adjourned.

FRIDAY, Oct. 5, 1849.

The Convention met pursuant to adjournment. Prayer by Rev S H. Willey.

Journal of yesterday read, amended and approved.

Mr. Botts offered the following resolution, which, after a short debate, was adopted, viz:

Resolved, That the compensation of $12 per day allowed to the doorkeeper, shall be increased by an additional allowance of $4 per day

Mr. Brown submitted the following resolution, which was adopted, viz:

Resolved, That the secretary report to this house the amount of labor performed per day by each of the several clerks of this house; and the amount received and due for extra copying, and to whom.

Mr. Wozencraft then called up the report of the committee on printing, which after much conversation was laid on the table.

The President having asked instructions relative to the payment of the officers of the convention.

Mr. Halleck, offered the following, viz:

Resolved, That the pay of the officers of this house commence at the date on which they commenced their duties.

Mr. Norton moved the following amendment, viz.

Resolved, That the officers of this convention (except the doorkeeper) be paid from the commencement of the session.

After much conversation the amendment of *Mr. Norton* was adopted

On motion the house then resumed the consideration of the "Miscellaneous Provisions"

Mr. Gwin moved the following substitute for the 13th section of the report of the committee, viz

Taxation shall be equal and uniform throughout the state. All property in this state shall be taxed in proportion to its value to be ascertained as directed by law

Mr. Jones moved to amend the amendment by adding thereto the following, viz

But assessors and collectors of town, county and state taxes shall be elected by the qualified electors of the district, county or town in which the property taxed for state, county or town purposes is situated

After much debate, and many incidental motions, the proposition of *Mr.* Gwin as amended by Mr Jones, was adopted.

Adjourned to 3 1-2 P. M.

THREE O'CLOCK, P. M.—The Convention met pursuant to adjournment.

The consideration of the "Miscellaneous Provisions" was resumed, and the fifteenth section adopted as reported

Mr Steuart moved to amend the 16th section by adding thereto, the words, "except for eleemosynary purposes," which motion was agreed to, after a short debate, and the section adopted as amended,

Section 17 was then adopted as reported

Mr Sherwood then moved the following substitute, for section 18, which after a short debate was adopted, viz:

"18. Absence from this state on the business of the state, or of the United States shall not affect the question of residence of any person.

Section 19 was then adopted as reported.

Section 20 was amended on motion of Mr. Norton, by striking out the words "emanating from any of the three supreme powers of the state," and the section then passed

Mr. Ord then moved an additional section as follows, viz:

"The legislature shall have power to extend this constitution, and the jurisdiction of this state, over any territory acquired by compact, with any state, or with the United States, the same being done with the consent of the United States.

After a long debate the section was adopted Ayes 17—noes 14.

On motion of *Mr* Gwin, the house then resolved itself into committee of the whole, *Mr.* Lippitt in the chair, on so much of the report of the committee on the constitution as relates to the preamble

The majority report being under consideration as follows, viz

We the people of the state of California, grateful to Almighty God for our freedom in order to secure its blessings, do establish this Constitution.

The minority report was called up by *Mr.* Gwin, as follows, viz:

We the people of the Territory of California, by our representatives in convention assembled at *Monterey* on the first day of September, A. D., 1849, and of the Independence of the United States the *seventy third*, having the right of admission into the Union as one of the United States of America consistent with the federal constitution (and by virtue of the treaty of Peace between the United States and *Mexico* ratified on the 30th day of *May*, A. D., 1848,) in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty and and the free pursuit of happiness, do mutually agree with each other to form ourselves into a free and independent State by the name and style of the "State of California," and to ordain and establish the following *constitution for the government thereof.*

Mr. Shannon moved the following.

We, the representatives of the people of the territory of California, in *convention* assembled at *Monterey*, on Saturday the first day of September, A. D, 1849, and of the Independence of the United States *the seventy-third, in order* to secure to ourselves and our posterity the enjoyments of civil, religious and political liberty, form a more perfect government, establish justice, ensure domestic tranquility, provide for the common defence and promote the general welfare, do mutually agree to form ourselves *into a free* and *independent state*, by the style and title of the "State of California." and do ordain and establish this constitution for its government.

After a long debate on motion the committee rose, reported progress and had leave to sit again.

Thereupon, the house adjourned.

SATURDAY, Oct. 6, 1849.

The Convention met pursuant to adjournment. Prayer by Padre Ramirez.

Journal of yesterday read and approved.

On motion of *Mr.* Gwin the house then resolved itself into committee of the whole, *Mr.* Gilbert in the chair, on so much of the report of the committee on *the constitution* as relates to the "Schedule."

After a short debate the first and second sections were adopted as follows, viz:

Sec I. All rights, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this constitution, and not inconsistent therewith, until altered or repealed by the legislature, shall continue as if the same had not been adopted.

The legislature shall provide for the removal of all causes which may be pending when this constitution goes into effect, to courts created by the same.

Section 3 as reported by the committee being under consideration, viz:

Sec 3 In order that no inconvenience may result to the public service from the taking effect of this constitution, no officer shall be superceded thereby, but the laws relative to the duties of the officers to be appointed under this constitution.

Messrs. Steuart, Shannon and *Halleck* moved amendments, but withdrew them to allow

Mr. Gwin to move the following, which was adopted, viz:

Strike out the words "but the laws relative to the duties of the officers to be," and insert in lieu thereof the words "nor the laws relative to the duties of the several officers be changed until the entering into office of the new officers to be."

Section 4, of the report of the committee then coming up as follows, viz:

Sec. 4. The provisions of this constitution concerning the inability of persons to hold certain offices therein mentioned shall not be held to apply to officers chosen by the people at the first election, only by the legislature at its first session.

Mr. Jones moved to amend by striking out the words "inability of," and inserting the words "term of residence necessary to enable" in lieu thereof.

Debate occurring, pending this amendment, Mr. Steuart moved to lay the section aside, which motion was negatived.

The amendment was then adopted and the section as amended passed.

Section 5 was then adopted as reported, viz:

Sec 5 Every citizen of California declared a legal voter by this constitution, and every citizen of the United States, a resident of this state on the day of election, shall be entitled to vote at the first general election during this constitution.

Section 6, as reported by the committee, was then taken up as follows, viz:

Sec 6. This constitution shall be submitted to the people for their ratification or rejection at the general election to be held on Tuesday the sixth day of November next.—The Executive of the existing government of California shall issue a proclamation to the Prefects of the several districts or in case of vacancy to the sub-prefects, requiring them to cause such election to be held on the day aforesaid, in their respective districts. The election shall be conducted in the manner which was prescribed for the election of delegates to this convention, except that the prefect or sub-prefects ordering such election in each district, shall have power to designate any additional number of places for opening the polls, and that in every place of holding the election a regulation poll list shall be kept by the judges and inspectors of election. It shall be the duty of these judges and inspectors of elections on the day aforesaid to receive the vote of the electors qualified to vote at such election. Each voter shall express his opinion by depositing in the ballot-box a ticket whereon shall be written "For the Constitution," or "Against the Constitution," or some such words as will distinctly convey the intention of the voter. These judges and inspectors shall also receive the votes for the several officers to be voted for at said election as herein provided. At the close of the election the judges and inspectors shall carefully count each ballot and forthwith make duplicate returns thereof to the prefect, (or sub-prefect as the case may be) of their respective districts and said prefect or sub-prefect shall transmit one of the same, by the most safe and rapid conveyance, to the secretary of state. Upon the receipt of said returns, or on the 7th day of December next, if the returns be not sooner received, it shall be the duty of a board of canvassers to consist of the secretary of state, one of the judges of the Superior Court, the prefect, judge of first instance, and an alcalde of the district of Monterey, or of any three of the afore-mentioned officers, in the presence of all persons who choose to attend, to compare the votes given at said election, and to immediately publish an abstract of the same in one or more of the newspapers of California.

Mr. Botts moved to amend by striking out the words "shall issue a proclamation to," and inserting "is hereby requested to issue a proclamation to the people of California, directing;" and further to amend by striking out the words "to" and "requiring."

After a short debate, the amendment was agreed to.

Mr. Stearns then moved to amend by inserting "the fourth Tuesday" in lieu of "Tuesday the sixth day."

Mr. Shannon moved an amendment to the amendment, viz: strike out "fourth" and insert "second."

After much conversation *Mr. Stearns* withdrew his motion to allow

Mr. Gwin to move to strike out the "sixth" in the original section, which was agreed to.

Mr. Stearns renewed his motion, but again withdrew it, after further conversation, to allow

Mr. Hill to offer the following, which was adopted, viz:

Resolved, That for the present the blank shall not be filled fixing the day of election.

On motion, the committee then rose, reported progress and had leave to sit again.

The house then adjourned to 3 1-2 P. M.

HALF PAST THREE, P. M.—The Convention met pursuant to adjournment.

Mr. Gwin submitted the following resolution, which was adopted, after a short debate, viz:

Resolved, That this Convention will adjourn *sine die* on Tuesday the 9th inst.

Mr. McDougal moved a suspension of the rules, which having been agreed to, he submitted the following resolution, which was adopted viz:

Resolved, That no member shall speak longer than five minutes on any matter before this body.

The house then, on motion of Mr. Gwin, resolved itself into committee of the whole, Mr. Gilbert in the chair, on so much of the report of the committee on the constitution as relates to the "Schedule."

Section sixth of the report of the committee being under consideration, Mr. Botts moved to amend, by adding at the end thereof the words: "And the executive will also, immediately after ascertaining that the constitution has been ratified by the people, make proclamation of the fact; and thenceforth this constitution shall be ordained and established as the constitution of California;" which was agreed to.

On motion of Mr. Gwin, the dates in the section were all stricken out.

On motion of Mr. Wozencraft the words "or printed" were inserted after the words "written," and thus amended, the section was adopted.

Section seven then being under consideration, as follows, viz:

Sec. 7. If this Constitution shall be ratified by the people of California, the executive of the existing government shall immediately after the same shall be ascertained in the manner herein directed, cause a fair copy thereof to be forwarded to the President of the United States with the respectful request of the people of California that it may be laid before the Congress of the United States. And the executive will also immediately after ascertaining that this constitution has been so ratified, make proclamation of that fact, and thenceforth this constitution shall be ordained and established as the constitution of California.

After a long debate, and the introduction of many amendments which were rejected, the section was finally amended by striking out all after the words "United States" and inserting the words "in order that he may lay it before the Congress of the United States" in lieu thereof; and thus amended the section was adopted.

On motion the committee then rose, reported progress, and had leave to sit again.

The house then adjourned to 7 P. M.

7 o'clock, P. M.—The house met pursuant to adjournment.

On motion of *Mr* Shannon the following resolution was adopted, viz:

Resolved, That an engrossing committee of three members, on the engrossment of the constitution in Spanish be appointed by the president.

The chair appointed Messrs Pedrorena, Jones and Vallejo such committee.

Mr. McCarver then submitted the following, viz:

Resolved, That the committee on the engrossment of the constitution, be instructed to prepare a copy on parchment, to be written in the English language.

Mr Halleck moved an amendment but withdrew the same in favor of the following substitute, proposed by Mr. Ord, viz:

"*Resolved*, That the constitution be engrossed in English, and a translation of the same by the translator of this convention, be made and placed in parallel columns, and certified by him as a true copy.

After a very long debate, the following substitute, for both the previous resolutions, was offered by Mr Steuart, and adopted, viz:

Resolved, That the committee on engrossment be instructed to have the constitution of the state of California, engrossed on parchment, in the English language, and that a copy of the same be made by the translator of this convention, in the Spanish and English languages, which shall be engrossed in like manner on parchment, and be certified by him and that both be placed among the archives of the state.

On motion the house then resolved itself into committee of the whole, Mr Gilbert in the chair on so much of the report of the committee on the constitution as relates to the "Schedule."

Section eight was then taken up as follows, viz:

Sec 8 At the general election aforesaid, viz., the 7th day of November next there shall be elected a Governor, Lieut Governor, members of the Legislature and also two members of Congress, it being uncertain whether two members of the House of Representatives of the United States will be received, and it being impracticable at the present time to divide California into Congressional districts, the two members of Congress will be voted for on a general ticket by all the electors of the state qualified to vote at this election and in case only one shall be allowed, by the act of Congress, admitting the state into the Union to take his seat in that body, the one for whom the highest number of votes was cast, shall be declared elected.

On motion the date in the 8th section was stricken out, and

On motion of Mr. Gwin, all after the word "Congress" was stricken out, and the section then adopted.

Sections 9, 10, and 11 were then passed, after conversation, as follows, viz:

Sec. 9. If this constitution shall be ratified by the people of California, the legislature shall assemble at the seat of government on the fifteenth day of December next; and in order to complete the organization of that body, the senate shall elect a president *pro tempore* until the Lieut. Governor shall be installed into office.

Sec 10 On the organization of the legislature, it shall be the duty of the secretary of state to lay before each house, a copy of the abstract, made by the board of canvassers, and if called for, the original returns of election, in order that each house may judge of the correctness of the report of said board of canvassers.

Sec 11. The legislature at its first session shall elect such officers as may be ordered by this constitution to be elected by that body, and within four days after its organization proceed to elect two senators to the Congress of the United States. But no law passed by this legislature shall take effect until signed by the Governor after his installation into office.

Mr Halleck moved the following, and it was adopted as section 12, viz:

12 The senators and representatives to the Congress of the United States elected by the legislature and people of California, as herein directed, shall be furnished with certified copies of this constitution, when ratified, which they shall lay before the Congress of the United States, requesting, in the name of the people of California, the admission of the State of California into the American Union.

The twelfth section of the committee's report was then taken up, as follows, viz:

Sec. 12 All officers of this state other than members of the legislature shall be installed into office on or immediately after the 1st day of January next, as provided for in this constitution.

On motion the date was stricken out, and the section then adopted.

Section 13, of the report of the committee then coming up, after a short debate, it was passed over, viz:

Sec 13 Until the legislature shall divide the state into counties and senatorial and assembly districts as directed by this constitution, the following shall be the apportionment of the two houses of the legislature, viz: The districts of San Diego and Los Angeles jointly elect two senators, the districts of Santa Barbara and San Luis Obispo, shall jointly elect one senator, the district of Monterey one senator, the district of San Jose one senator, the district of San Francisco two senators, the district of Sonoma one senator, the district of Sacramento four senators, and the district of San Joaquin four senators, and the district of San Diego shall elect one member of assembly, the district of Los Angeles two members of the assembly, the district of Santa Barbara two members of assembly, the district of San Luis Obispo one member of assembly, the district of Monterey two members of assembly, the district of San Jose three members of the assembly, the district of San Francisco five members of assembly, the district of Sonoma two members of assembly, the district of Sacramento nine members of assembly, and the district of San Joaquin nine members of assembly.

Section 14 of the committee's report was taken up, viz:

Sec 14 Until the legislature shall otherwise direct in accordance with the provisions of this Constitution, the following shall be the salaries and pay of the several officers and members of the legislature of this State viz: The Governor eight thousand dollars per annum, the Lieut. Governor double the pay of a state senator, Secretary of State four thousand dollars per annum, the Comptroller four thousand dollars per annum, the Treasurer four thousand dollars per annum, the Attorney General three thousand dollars per annum, the Surveyor general —— thousand dollars per annum, justice of the Supreme Court five thousand dollars per annum, district Judges five thousand dollars per annum, and the members of the legislature —— dollars per diem while in attendance, and —— dollars for every twenty miles by the usual route from their residences to the place of holding the session of the legislature and in returning therefrom.

After a long debate, and the presentation of several amendments the committee rose without taking the questions, reported progress and had leave to sit again.

On motion, the house then adjourned to 9 o'clock, A. M. on Monday.

MONDAY, Oct 8, 1849.

The Convention met pursuant to adjournment

Prayer by Rev. Mr. Willey

The journal of Saturday was read and approved

The house then took up the "Miscellaneous Provisions," and the question being on the last section thereof, on its reconsideration, it was rejected. Ayes 13, noes 24.

The article as amended, was, on motion of Mr. Gwin, ordered engrossed for a third reading.

The house, then, on motion, resolved itself into committee of the whole, Mr Gilbert in the chair, on the "Schedule."

The 14th section of the report of the committee was then taken up, and after much debate, and the presentation and withdrawal of many amendments, the following substitute was proposed by Mr Steuart, and was adopted, viz:

14 Until the legislature shall otherwise direct, in accordance with the provisions of this constitution, the salary of the governor shall be ten thousand dollars per annum; the salary of the lieutenant governor shall be double the pay of a state senator; the pay of members of the legislature shall be sixteen dollars per diem while in attendance, and sixteen dollars for every twenty miles travel by the usual route from their residences to the place of holding the session of the legislature, and in returning therefrom. And the legislature shall fix the salaries of all officers other than those elected by the people at the first election.

The 15th section, as reported by the committee, was then adopted, viz:

Sec 15. The limitation of the powers of the legislature contained in Article 7th of this constitution shall not extend to the first legislature elected under the same, which is hereby authorized to negotiate for such amount as may be necessary to pay the expenses of the state government.

The 16th section was then taken up, and after the presentation and withdrawal of sundry amendments, and much debate, the committee rose, without taking the question, reported progress, and had leave to sit again.

The convention then adjourned to 3 P. M.

THREE O'CLOCK, P. M.—The Convention met pursuant to adjournment.

On motion the house resolved itself into committee of the whole, Mr Gilbert in the chair, on the "Schedule" and "Preamble."

The 13th section was then, after a short debate, adopted as reported.

After considerable conversation and many motions, the first blank in the 6th section was filled with "thirteenth," and the second blank with "tenth." The blank in the 8th section was filled with "thirteenth." The blank in section 9th was filled with "twentieth." The blank in section 12th was filled with "fifteenth day of December."

The "Schedule" was then, on motion, laid aside, and the "Preamble" taken up.

The Preamble, as reported by the committee, with the several substitutes *as proposed* by Mr Gwin and Mr. Shannon, being under consideration,

Mr. Gwin withdrew his amendment, to allow

Mr. Lippitt to present the following, viz:

We, the people of California in the exercise of the right of self government which belongs to the people under the constitution of the United States, for the purpose of organizing a state government, do hereby ordain and establish this constitution.

Mr Shannon then withdrew his proposition, to allow

Mr. Botts to offer the following, viz:

In order to institute a government, the free and independent people of California do ordain as follows;

After debate, the proposition of the committee and Mr. Lippitt were rejected, and the amendment of Mr. Botts adopted.

Thereupon, the committee rose and reported the "Schedule" and the "Preamble" to the house, with sundry amendments, which report was received, and laid upon the table.

The house then adjourned to 7 P. M.

SEVEN O'CLOCK, P. M.—The Convention met pursuant to adjournment.

On motion of Mr. Gwin, the report of the committee of the whole on the Preamble was taken up, and the amendment of the committee was non-concurred in.

The question recurring on the adoption of the report of the committee on the constitution, the words "the state of" were by unanimous consent, stricken out, and thus amended, the Preamble as reported by that committee was adopted.

On motion of Mr. Dimmick the Preamble was ordered to be engrossed for a third reading.

On motion of Mr. Ellis, the report of the committee of the whole on the "Boundary," was taken up, and Mr. Hastings moved the following substitute therefor, viz:

Resolved, That the boundary of the state of California be as follows:—Commencing at the intersection of the 42nd parallel of north latitude and the 118th meridian line of [illegible] line to the point where it intersects the 38th parallel of north latitude; thence southeasterly in a direct line, to the point where the 114th meridian line intersects the River Colorado; thence southerly down the said river, following the middle channel thereof to the boundary line between the United States and Mexico, as established by the treaty of peace, ratified by the said governments at Queretaro on the 30th day of May, A. D., 1848; thence west upon said boundary line to the Pacific ocean; thence northerly bounded by the said ocean, to the said 42nd parallel of north latitude, including all the bays, harbors and islands adjacent to, and in the vicinity of the said coast, and thence east upon the said 42nd parallel of north latitude to the place of beginning.

After a short debate, the question was taken, and resulted as follows:

AYES—Messrs Aram, Botts, Brown, Crosby, Dent, Dimmick, Ellis, Hanks, Hill, Hoppe, Hastings, Larkin, McCarver, McDougal, Norton, Ord, Price, Reid, Sutter, Snyder, Steuart, Walker, the President—23.

NAYS—Messrs Carillo, Covarrubias, Dominguez, Foster, Gilbert, Gwin, Hobson, Halleck, Hollingsworth, Jones, Lippincott, Moore, Pedrorena, Pico, Rodriguez, Sherwood, Shannon, Stearns, Tefft, Vallejo, Wozencraft—21.

So the substitute of Mr Hastings was adopted.

On motion of Mr Dimmick the Article as amended was ordered to be engrossed for a third reading.

After some little discussion Mr McDougal moved a reconsideration of the last vote.

Hereupon a long and animated debate took place, but the house finally sustained the previous question and the reconsideration was ordered, viz:

AYES—Messrs Aram, Brown, Carrillo, Covarrubias, Crosby, De la Guerra, Dimmick, Dominguez, Ellis, Foster, Hanks, Hobson, Hollingsworth, Jones, Lippincott, McCarver, McDougal, Pedrorena, Pico, Rodriguez, Reid, Stearns, Tefft, Vallejo—24.

NAYS—Messrs Botts, Gilbert, Gwin, Hill, Hastings, Larkin, Moore, Norton, Ord, Price, Sherwood, Shannon, Steuart, Walker, Wozencraft, the President—16.

So, the vote on the engrossment was reconsidered, and, on motion, the proposition itself was reconsidered.

Hereupon an animated and long debate occurred, and without coming to any resolution,

The house adjourned.

TUESDAY, Oct 9, 1849.

The Convention met pursuant to adjournment.

Prayer by Padre Ramirez.

The journal of yesterday was read and approved.

Mr. Jones submitted the following resolution, which was objected to, and lays over, viz:

Resolved, That in the opinion of this convention it will be practically impossible to survey and sell to private purchasers the public lands in the mining district of California. That the comparatively small space valuable for mining purposes would inevitably fall into the hands of a few speculators, and the vast body of the mining population would either be compelled to [illegible] their labors or violate a right and [illegible] monopoly which would have neither force nor opinion to protect them. That the congress of the United States is therefore most earnestly requested should the general government retain its dominion over the said lands, to allow the free use and enjoyment of the same to all American citizens.

Mr Steuart then submitted the following, which was objected to and lays over viz:

Resolved, That the Congress of the United States be, and they are hereby respectfully but earnestly solicited to give up to the people of California for a series of years or so long as may be deemed expedient, all the revenue which may be derived from the renting, leasing, or otherwise authorized occupation of the gold placers.

Resolved, That in order to secure to the people of California a certain immediate and abundant revenue from the working of the gold mines, it is hereby recommended,

1st That the Congress of the United States throw open for a given time, the whole placer country to the thousands who are pouring in by every ocean port as well as inland communication requiring by proper enactments and under regulations to be established by law, every gold seeker to take out a license or permit for a given and stipulated time from offices to be established for that purpose at convenient places and further requiring every such licentiate, if not a citizen of the United States, to take the oath of allegiance so long as he shall be a resident of California. The fee or charge for such license or permit not to exceed five dollars per month and the net proceeds arising therefrom to be paid into the treasury of California.

2d. That the Congress of the United States establish an assay office at the most suitable place where all gold dust intended for exportation shall be assayed, made into ingots or bars and stamped with its lay or rate of purity, on payment of a charge not to exceed one per cent the holder of any such ingot however, to have the right to have the same coined free of further charge on presentation at any mint of the United States. The net proceeds or receipts of said office to be paid into the treasury of the State of California.

3d. That the Congress of the United States prohibit by law the exportation of gold dust from California, under the penalty of forfeiture of one third to the informer, and the remaining two thirds to the State of California.

Resolved That in the opinion of this convention the establishment of a mint at this time in California, would not be made in time to meet the exigencies of the present and immediate wants of California, and would be burthened with far more expense than the establishment of an assay office while it is believed such stamped ingots would not only answer all the purposes of exchange and currency, but would be a preferable article of commerce in all countries of the Pacific China seas, and Indian ocean if not throughout the whole world.

Resolved, That these resolutions be signed by the president and secretary of this convention and that the senators and representatives first elected under the constitution of the state of California be requested to lay the same before the Congress of the United States, and urge the adoption of the measures therein proposed.

On motion the consideration of the report of the committee of the whole on the boundary was *then resumed*.

After much debate, the previous question was moved and sustained and the question being taken on the substitute proposed by Mr Hastings, it was rejected, as follows, viz:

AYES—Messrs. Aram, Botts, Brown, Crosby, Dent, Hill Hoppe, Hastings, Larkin, McCarver, Ord, Price, Reid, Sutter, Steuart, Walker, the President—17.

NOES—Messrs Carrillo, Covarrubias, De la Guerra, Dimmick, Dominguez, Ellis, Foster, Gilbert, Gwin, Hobson, Halleck, Hollingsworth, Jones, Lippincott, Moore, McDougal, Norton, Pedrorena, Pico, Rodriguez, Snyder, Sherwood, Shannon, Stearns, Tefft, Vallejo, Wozencraft—27.

Mr Shannon then submitted the following substitute, for the report of the committee of the whole, viz:

That the boundary of the state of California be the following, commencing at the point where the 120th degree of west longitude as laid down on the official map of John Charles Fremont, drawn by Charles Preuss by order of the United States Senate, intersects the 42nd degree of north latitude [illegible] of the territory of Oregon 120 meridian, southerly to the 38th degree of north southeasterly direction to 35th degree of north lat Colorado; thence southerly with the east bank of said dary line established by the the United States and Mexico taro May 30th, 1848; thence upon said line to the Pacific lowing the course of said Pacific coast allel of 42 degrees north latitude marine league into the sea from including all the bays, harbors jacent to said coast to said 42nd thence eastwardly along of latitude to the place of beginning.

After a short discussion, the ques on the substitute, proposed by Mr. it was rejected, viz:

AYES—Messrs. Aram, Botts, Brown Dent, Ellis, Hanks, Hill, Larkin Price, Reid, Sutter, Snyder Walker, the President—19.

NOES—Messrs. Carillo, Covarrubias ra, Dimmick, Dominguez, Foster, Hobson, Halleck, Hastings, Hollings Lippitt, Lippincott, McDougal, na, Pico, Rodriguez, Sherwood, Vallejo, Wozencraft—25.

Mr. McDougal then proposed the stitute, viz:

The boundary of the state of Cali include all the tract of country from 107th degree of longitude west from to the Pacific coast, and from the 42nd degree of north latitude, known ritory of California; also the harbors bays adjacent and along the Pacific to extend three English miles into ocean, and along the coast thereof from to the 42nd degree of latitude north; gress should not grant or adopt the substance thereof, then the boundary follows, viz: Commencing at the point section of the 42nd degree of north lat the 120th degree of longitude west from wich and running south on the line of degree of west longitude until it inter 39th degree of north latitude; thence a straight line in a southeasterly direction the river Colorado where the 35th de north latitude intersects said river, thence said river in the middle of the channel to the boundary line between the United and Mexico as it now being established the treaty exchanged and ratified at May 30th, 1848; thence running west said boundary line to the Pacific ocean, tending therein three English miles, running in a northwesterly direction ing the direction of the Pacific coast degree of north latitude, thence on the said 42nd degree of north latitude to the of beginning, also all the islands, harbors bays along and adjacent to the Pacific.

After much debate, Mr Botts moved tion of the question, so that the vote be taken on the first clause of the and it was so ordered.

Whereupon after further debate Mr. gal withdrew the first clause of his confining it exclusively to the boundary scribed therein.

Thereupon, the house having sustained vious question, the vote was taken, amendment lost as follows viz:

AYES—Messrs. Aram, Botts, Brown, Dent, Ellis, Hill, Hoppe, Hastings, Larkin Carver, McDougal, Ord, Price, Reid, dent, Shannon, Steuart, Vermule, Walker President—22.

NOES—Messrs Carillo, Covarrubias ra, Dimmick, Dominguez, Foster, Gilbert Hanks, Hobson, Halleck, Hollingsworth Lippincott, Moore, Norton, Pedrorena, rigues, Sherwood, Stearns, Tefft, Vallejo, craft—21.

The question recurring on the adoption report of the committee of the whole, of the question was moved, in order that might be taken on the main proposition the proviso separately. The chair decided the question was divisible. From the Mr. Tefft appealed, and the decision of the was reversed by the house.

The question was then taken, and the of the committee concurred in, viz:

AYES—Messrs Carillo, Covarrubias, de la ra, Dominguez, Dimmick, Foster, Gilbert Hanks, Halleck, Hobson, Hollingsworth Lippincott, Moore, Norton, Pedrorena, Pico, riguez, Sherwood, Stearns, Tefft, Vallejo, craft—24.

NOES—Messrs Aram, Botts, Brown, Dent, Ellis, Hill, Hoppe, Hastings, Larkin Carver, McDougal, Ord, Price, Reid, Snyder, Shannon, Steuart, Vermule, Walker President—22.

Upon the announcement of this vote, dozen members rose to their feet and a great confusion ensued. Cries of "Your tion is lost" "I will sign it under a protest" "I move that we adjourn *sine die*" the ayes and noes on that motion" "The new emigrants from Missouri will vote your constitution if you include the Mormons and other expressions of like character by various members.

The chair having partially succeeded in storing order, on motion the resolution on Saturday, that the convention will *sine die* on Tuesday (this day) the 9th was rescinded. The house then adjourned.

WEDNESDAY, Oct 10, 18

The Convention met pursuant to adjournment.

Prayer by the Rev. L. H. Willey.

Journal of yesterday read and approved.

Mr. Jones moved a reconsideration of the by which the convention yesterday concurred the report of the committee of the whole on boundary.

After debate, the yeas and nays were and the motion to reconsider adopted. Ayes noes 13.

Mr Price then submitted the following substitute for the report of the committee, viz:

Resolved, That the question of boundary submitted to the people of California, at the election, and that two lines be proposed, to defined by this convention.

Mr Jones then submitted the following substitute for the proposition of Mr Price, viz: The boundary of the state of California shall as follows; Commencing at the point of intersection of the 42d degree of north latitude with the 120th degree of longitude west from Green wich, and running south on the line of said 120th degree of west longitude until it intersects 39th degree of north latitude, thence running a straight line in a southeasterly direction river Colorado at a point where it intersects 35th degree of north latitude, thence down middle of the channel of said river to the boundary line between the United States and Mexico as established by the treaty of May 30, 18

(Continued on Supplement.)